

C. Remarks

The claims are 56-58, 60, 64, 66-68 and 74-82, with claim 74 being the sole independent claim. Reconsideration of the pending claims is respectfully requested.

Claims 55, 56, 58, 60, 64, 66-68 and 74-82 stand rejected under 35 U.S.C. §103(a) as being obvious over Bodmer (U.S. Patent No. 5,538,739) in view of GB 2,145,422 (Brich) and Reiners (U.S. Patent No. 4,879,402). Specifically, the Examiner alleges that “it would have been obvious to one of ordinary skill to purify the polymer of Bodmer et al using activated charcoal in view of the teaching in GB ‘422 to use a conventional purification technique and further in view of the teaching in Reiners et al that, in a method of making a polymer using Sn octoate, the beneficial effect of purification to clarity is achieved using activated charcoal”. Applicant respectfully traverses this rejection.

First, Applicant incorporates by reference herein all previously advanced arguments related to Bodmer, Brich and Reiners. Additionally, Applicant herewith submits a Declaration under 37 C.F.R. §1.132 of Martin Schneider, which declaration supports the previously advanced arguments, namely that Reiners cannot properly be combined with Bodmer and Brich, and which declaration also submits that the combination of references would not lead one of ordinary skill in the art to the present invention.

Briefly, Mr. Schneider explains that one of ordinary skill in the art would not combine the Bodmer, Brich and Reiners references primarily because the chemistry involved in the Reiners reference is completely different from that of Bodmer and Brich and from that of the presently claimed invention. Mr. Schneider is also of the opinion that even if Reiners were to be combined with Bodmer and Brich, one of ordinary skill in the art would not arrive at the pharmaceutical composition of the present claims. Mr.

Schneider is of this opinion because Reiners does not teach removal of a tin octanoate catalyst from a polymer by activated charcoal treatment and because purification does not proceed in the manner proposed in the Office Action.

For all of the above reasons, Applicant submits that the present invention is not rendered obvious by the cited combination of Bodmer, Brich and Reiners. In sum, there is no motivation to combine the cited references, and even if combined, one of ordinary skill in the art would not arrive at the present invention. Accordingly, Applicant respectfully requests withdrawal of the §103 rejection.

In view of the foregoing remarks, favorable reconsideration and passage to issue is earnestly requested. Should the Examiner believe that issues remain outstanding, the Examiner is respectfully requested to contact Applicant's undersigned attorney in an effort to resolve such issues and advance the case to issue.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100 or at the below listed address. All correspondence should continue to be directed to Novartis, Corporate Intellectual Property, One Health Plaza 104/3, East Hanover, NJ 07936-1080.

Respectfully submitted,

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